

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

CASE NO. 82-80599

Plaintiff,

HON. LAWRENCE P. ZATKOFF

vs.

CAROLINE ELAINE LANE,

Defendant.

ORDER DENYING EXPUNGEMENT

This matter is before the Court on Defendant's motion for expungement [dkt 2]. The Court has requested the government to respond to Defendant's motion, and the government timely submitted a response brief, which the Court will take into consideration. The facts and legal arguments are adequately set forth in the documents submitted and on the record. Therefore, finding that the determination of the issues will not be aided by oral argument, and pursuant to E.D. Mich. Local R. 7.1(f), this Court ORDERS that the motion be decided upon the briefs submitted, without this Court entertaining oral arguments. For the reasons that follow, Defendant's motion is DENIED.

In January of 1983, Defendant pleaded guilty to a single-count Indictment of forgery. It is not clear to the Court with the record before it whether Defendant entered her guilty-plea pursuant to a plea agreement. On February 17, 1983, she was sentenced to one-year of imprisonment, which was suspended, and placed on three years of probation. On February 16, 1986, Defendant purportedly completed her probation. Defendant now seeks to expunge the conviction because it hinders her ability to seek employment.

While Defendant seeks to expunge the record of her conviction, the Sixth Circuit has held that a district court may not expunge the record of a conviction. *See United States v. Lucido*, 612

F.3d 871, 874–76 (6th Cir. 2010). Having failed to provide the Court with any legal authority that states otherwise, IT IS HEREBY ORDERED that Defendant’s motion for expungement [dkt 2] is DENIED.

IT IS SO ORDERED.

S/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: August 29, 2011

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on August 29, 2011.

S/Marie E. Verlinde
Case Manager
(810) 984-3290